From: Stephen Borrill
To: Microsoft ATR
Date: 1/24/02 4:07am
Subject: Microsoft Settlement

I've been following the Microsoft (MS) vs DoJ case since the start (many years ago) and agreed with Judge Jackson's conclusions and proposed remedies. MS indeed have a monopoly and have demonstrably proved that they will defend and strengthen that monopoly rigourously. Therefore, I believe that the proposed settlement is and astoundingly accomodating in favour of MS. The Middleware clauses are weak and full of bizarre pro-MS conditions (such as "any replacement middleware should be of similar size and shape to the MS version"). It was proved during the trial that IE was removable and Windows would still function (contradicting what MS alleged), yet the settlement allows IE to merely be hidden from the user, but invoked at any time for the purposes of communicating with MS servers or when alternatives do not implement certain heavily proprietary 'standards' such as ActiveX in a MS-designated fashion.

The restriction of the protocol licencing clause to protocols which aren't used for remote administration is extremely worrying. MS could successfully argue that fundament protocols such as CIFS/SMB and RDP can be used for remote administration and thus should be excluded from disclosure.

Finally, the complete removal of the clean-room technical disclosure practise proposed by Judge Jackson in favour of a clause which explicitly allows MS to opt out on the basis of some notional potential security compromise (section J 1), is a massive backwards step and provides no consumer protection. This is made all the more insulting because of the proprietary non-disclosed extensions to Kerboros in Windows 2000.

In conclusion, I believe the proposed settlement to be heavily skewed in favour of Microsoft and as such it should be rejected.

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